

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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GAIL KITT,

Plaintiff,

19 **CIVIL** 6632 (LJL) (DCJ)

-v-

JUDGMENT

ANDREW SAUL,
Commissioner of Social Security,
Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated January 22, 2021, Petitioner's motion for judgment on the pleadings is GRANTED. The Court determines that the ALJs conclusion that Petitioner's onset date was January 12, 2016 was not supported by substantial evidence. The Court further determines that remand for further administrative proceedings by the Commissioner pursuant to 42 U.S.C. § 405(g), rather than remand solely for the calculation of benefits, is appropriate. The record contains sufficient ambiguities and gaps pertaining to Petitioner's medical status between September 3, 2011 and January 12, 2016 so as to warrant additional inquiry by the Commissioner. The Court deems it appropriate to limit the scope of the remand. On remand, the finding of disability from January 12, 2016 on shall not be disturbed. The remand is limited to eliciting clarifying testimony from Dr. Cooke both as to his opinions regarding the onset date of disability and the basis for those opinions. After eliciting such testimony, the Commissioner may determine based on the evidence before it the appropriate onset date. The Court requests and expects that the Commissioner proceed expeditiously.

Dated: New York, New York
January 22, 2021

RUBY J. KRAJICK

BY:

Clerk of Court

K. Mango

Deputy Clerk